



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ken-Shwo DAI, et al

Serial No.: 09/964,275

Group No.: 1646

Filed: September 26, 2001

Examiner.: Stephen L. Rawlings

For: HUMAN NCO2-RELATED GENE VARIANTS ASSOCIATED WITH LUNG
CANCER

Attorney Docket No.: U 013654-2

Commissioner for Patents
Washington, D.C. 20231

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RESPONSE TO RESTRICTION ACTION

In response to the Official Action of August 15, 2003, wherein the Examiner has requested an election of claims, Applicants hereby elect to prosecute in the present

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10*

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application the claims of Group XVI, i.e., claims 7, 8 and 14-16. This election is made without prejudice to Applicants' right to file a divisional application or applications directed to the non-elected claims.

The requirement for a species election appearing at paragraph 8 of the Official Action is directed to the invention of Claim 17, which has not been elected. Accordingly, this requirement is not believed to be applicable to the present election.

It is respectfully requested that the non-elected claims be held in abeyance pending Applicants' decision as to whether to file a divisional application or applications directed to such claims.

In view of the above, Applicants have responded to all requirements in the aforementioned Official Action and now respectfully request an early examination on the merits of at least the elected claims.

Respectfully submitted,

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